

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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WAYMON BROWN,

Petitioner,

v.

P. NOGAN, et al.,

Respondents.

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Civil Action No. 17-5414 (PGS)

**MEMORANDUM AND ORDER**

Pro se Petitioner Waymon Brown, a prisoner confined at the East Jersey State Prison in Rahway, New Jersey, files the instant Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. When a pro se petitioner files for Habeas relief, he must follow the Local Civil Rules. Local Civil Rule 81.2 provides:

Unless prepared by counsel, petitions to this Court for a writ of *habeas corpus* . . . shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L.Civ.R. 81.2(a). Although Petitioner used the correct form for his Petition, he did not sign the declaration at the end of the form declaring that his Petition is his one, all-inclusive petition as required by 28 U.S.C. § 2244(b).

IT IS therefore on this 10 day of August, 2017,

**ORDERED** that the Clerk shall **ADMINISTRATIVELY TERMINATE** this case; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner

mailbox rule generally); *Dasilva v. Sheriff's Dep't.*, 413 F. App'x 498, 502 (3rd Cir. 2011) (per curiam) (“[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs[.]”); it is further

**ORDERED** that the Clerk of the Court shall forward Petitioner a blank Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus – AO241 (modified): DNJ-Habeas-008 (Rev. 01-2014); it is further

**ORDERED** that if Petitioner wishes to reopen this case, he shall so notify the Court, in a writing, within 30 days of the date of entry of this Memorandum and Order; Petitioner's writing shall include a complete, signed habeas petition on the appropriate form, including the signed declaration at the end of the form; and it is further

**ORDERED** that the Clerk shall serve a copy of this Memorandum and Order upon Petitioner by regular mail.



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**Peter G. Sheridan**  
United States District Judge